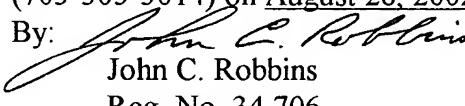


COPY FROM PARENT

00801-0165-US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Examiner: Joseph T. WOITACH
)	
FITZMAURICE <i>et al.</i>)	Group Art Unit: 1632
)	
Serial No.: 09/565,616)	I hereby certify that this correspondence
)	is being facsimile transmitted to the US
Filed: May 4, 2000)	Patent and Trademark Office
)	(703-305-3014) on <u>August 28, 2002</u>
For: VIRAL EXPRESSION VECTORS)	By: 
		John C. Robbins
		Reg. No. 34,706

DECLARATION UNDER 37 CFR 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, John C. Robbins, am a registered US Patent Agent, registration number 34,706, authorized to represent the inventor and the assignee in the instant patent application. I hereby declare the following facts are true and accurate to the best of my knowledge:

- 1) On April 29, 1999, Applicant submitted a plasmid sample along with appropriate papers to the American Type Culture Collection (ATCC) in accordance with the Budapest Treaty that provided Identification Reference PBSG1057 for the submitted plasmid.

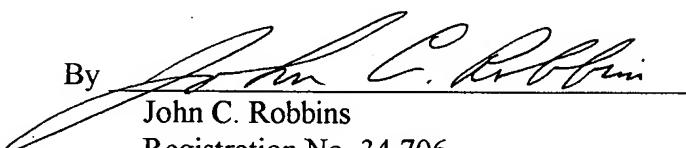
- 2) The instant application claims priority to provisional U.S. Patent Application Serial No. 60/132,697, filed May 4, 1999.
- 3) On May 4, 1999, the ATCC issued a paper assigning accession number 203981 to the sample PBSG1057 submitted on April 29, 1999.
- 4) The sample plasmid submitted on April 29, 1999 and subsequently assigned accession number 203981 corresponds to the plasmid described and claimed in the instant patent application.
- 5) Claim 12 of the instant application as originally filed included two typographical errors. Specifically, claim 12 mistakenly recites a viral vector designated as "BSG1057". A single character "P" at the beginning of the designation was unintentionally omitted. The designation should have been listed as -- PBSG1057 --. Claim 12 also mistakenly recites an assigned accession number as "20398". A single digit "1" at the end of the number was unintentionally omitted. The accession number should have been listed as -- 203981 --. These two typographical errors have been corrected in the accompanying amendment. The undersigned declares that these two amendments to claim 12 reflect corrections to typographical errors and do not constitute new matter.

6) The undersigned notes that on April 29, 1999, the papers submitted to the ATTC identified the assignee of the instant application as BIOSOURCE TECHNOLOGIES. Subsequent to the filing of the instant application and the ATCC submission, the assignee changed its name to Large Scale Biology Corporation.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By


John C. Robbins
Registration No. 34,706
Large Scale Biology Corporation
3333 Vaca Valley Parkway Suite 1000
Vacaville CA 95688
Telephone: 707-469-2313

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 08010165US01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled VIRAL EXPRESS VECTORS, the specification of which is attached hereto unless the following box is checked:

- was filed on May 4, 2000, as United States Application Number or Number 09/565,616; and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

Yes No

(Application No.)

(Country)

(Day/Month/Year Filed)

Yes No

(Application No.)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/132,697
(Application No.)

May 4, 1999
(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

COPY FROM PARENT

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
-------------------	---------------	---

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
-------------------	---------------	---

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

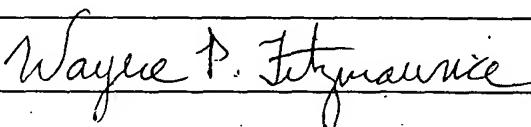
Robert A. Auchter, Reg. No. 38,069	Andrew R. Kopsidas, Reg. No. 42,759
William D. Belanger, Reg. No. 40,509	David J. Kulik, Reg. No. 36,576
Michael J. Bell, Reg. No. 39,604	Viola T. Kung, Reg. No. 41,131
John A. Bendrick, Reg. No. 41,612	Robert C. Laurenson, Reg. No. 34,206
Celine T. Callahan, Reg. No. 34,301	Joseph P. Lavelle, Reg. No. 31,036
Cono A. Carrano, Reg. No. 39,623	Don F. Livornese, Reg. No. 32,040
Jenny W. Chen, Reg. 44,604	David R. Marsh, Reg. No. 41,408
June E. Cohan, Reg. No. 43,741	Christopher A. Mathews, Reg. No. 35,944
Joseph V. Colaianni, Reg. No. 39,948	Joseph A. Micallef, Reg. No. 39,772
Chris Comuntzis, Reg. No. 31,097	Andrew Y. Piatnicia, Reg. No. 40,772
Mary S. Consalvi, Reg. No. 32,212	Andrea G. Reister, Reg. No. 36,253
Ben M. Davidson, Reg. No. 38,424	Timothy W. Riffe, Reg. No. 43,881
Ross E. Davidson, Reg. No. 41,698	Paul Roath, Reg. No. 45,045
James F. Davis, Reg. No. 21,072	Richard M. San Pietro, Reg. No. 45,071
Thomas M. Dunham, Reg. No. 39,965	Anthony W. Shaw, Reg. No. 30,104
Thomas C. Fiala, Reg. No. 43,610	J. David Smith, Reg. No. 39,839
Joel Mark Freed, Reg. No. 25,101	Michael J. Songer, Reg. No. 39,841
Alan M. Grimaldi, Reg. No. 26,599	Michael J. Stimson, Reg. No. 45,429
Albert P. Halluin, Reg. No. 25,227	Jennifer A. Tipsord, Reg. No. 40,205
Leslie L. Jacobs, Jr., Reg. No. 40,659	William K. West, Reg. No. 22,057
Derek J. Jardieu, Reg. No. 44,483	Adam K. Whiting, Reg. No. 44,400
Christopher L. Kelley, Reg. No. 42,714	Karen K. Wong, Reg. No. 44,409
Brian S.Y. Kim, Reg. No. 41,114	Robert J. Worrall, Reg. No. 37,969
Richard H. Kjeldgaard, Reg. No. 30,186	Wallace Wu, Reg. No. 45,380

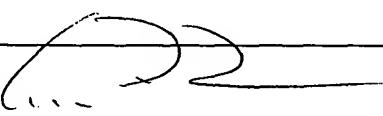
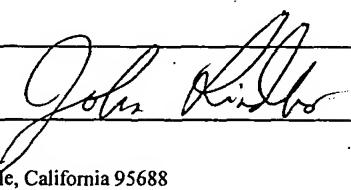
Send Correspondence to:

Albert P. Halluin
HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
Facsimile: (202) 383-7195

Direct Telephone Calls to: (650) 463-8100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Wayne P. Fitzmaurice	
Inventor's signature 	Date 8/18/00
Residence 1218 Las Encinas Court, Vacaville, California 95687	
Citizenship USA	
Post Office Address 1218 Las Encinas Court, Vacaville, California 95687	

Full name of second inventor Gregory P. Pogue	
Second inventor's signature 	Date 6/31/00
Residence 419 Trillick Ct., Vacaville, California 95688	
Citizenship USA	
Post Office Address 419 Trillick Ct., Vacaville, California 95688	
Full name of third inventor John A. Lindbo	
Third inventor's signature 	Date 8/25/00
Residence 143 Sundance Drive, Vacaville, California 95688	
Citizenship	
Post Office Address 143 Sundance Drive, Vacaville, California 95688	

(Supply similar information and signature for subsequent joint inventors, if any)

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00801-0165-US01
UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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101473349A

NOVEMBER 15, 2000

HOWREY SIMON ARNOLD & WHITE, LLP
ALBERT P. HALLUIN
BOX NO. 34
1299 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC 20004-2402

WASHINGTON, D.C.

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/15/2000

REEL/FRAME: 011102/0429

NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FITZMAURICE, WAYNE P.

DOC DATE: 08/18/2000

ASSIGNOR:

POGUE, GREGORY P.

DOC DATE: 08/31/2000

ASSIGNOR:

LINDBO, JOHN A.

DOC DATE: 08/25/2000

ASSIGNEE:

LARGE SCALE BIOLOGY CORPORATION
3333 VACA VALLEY PARKWAY
VACAVILLE, CALIFORNIA 95688

SERIAL NUMBER: 09565616

FILING DATE: 05/04/2000

PATENT NUMBER:

ISSUE DATE:

DOCKETED *RH*

011102/0429 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



04-18-00

09-27-2000

EXPRESS MAIL NO.: EL615207325US

Form PTO-1595 6/93

RECORDATION
PA

Int and Trademark Office



101473349

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Wayne P. Fitzmaurice
 Gregory P. Pogue
 John A. Lindbo

Additional name(s) of conveying party(ies) attached? yes no

3. Nature of Conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date(s): 8/18/00, 8/31/00, and 8/25/00

2. Name and address of receiving party(ies):

Name: Large Scale Biology Corporation
 Street Address: 3333 Vaca Valley Parkway
 City: Vacaville State: Ca Zip Code: 95688
 Country: USA

Additional name(s) & address(es) attached? yes no

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No(s).

09/565,616

B. Patent No(s).

Additional numbers attached? yes no

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: HOWREY SIMON ARNOLD & WHITE, LLP

Internal Address:

Street Address: Box No. 34
 1299 Pennsylvania Ave, N.W.

City: Washington State: D.C. Zip Code: 20004-2402

6. Total number of applications and patents involved

1

7. Total fee (37 C.F.R. § 3.41).....\$ 40.00

 Enclosed Authorized to be charged to Deposit Account

8. Deposit Account Number: 08-3038

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Albert P. Halluin, 25,227
 Name of Person Signing
 Registration No.

Signature

Date

Total number of pages including cover sheet, attachments and document 6

OMB NO. 0651-0011 (exp.4/94)

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents and Trademarks, Box Assignments
 Washington, D.C. 20231

09/26/2000 INTL/ATL 00000087

01 FO:581

ASSIGNMENT

WHEREAS, we, Wayne P. Fitzmaurice, Gregory P. Pogue and John A. Lindbo, being citizens of the United States of America, residing at 1218 Las Encinas Court, Vacaville, CA 95687, 419 Trillick Ct., Vacaville, CA 95688, and, 143 Sundance Drive, Vacaville, CA 95688, respectively, have made new and useful improvements in Viral Expression Vectors, for which an application for Letters Patent of the United States was filed on May 4, 2000 as Application No. 09/565,616.

WHEREAS, Large Scale Biology Corporation, having a place of business at 3333 Vaca Valley Parkway, Vacaville, California 95688, and who, together with its successors and assigns ("Assignee") is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited.

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said application for Letters Patent of the United States, including all claims, if any, for infringement prior to the date of this assignment, the inventions and discoveries described therein, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.
2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance.

5. Bind our heirs, legal representatives, and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives, or assigns which may be useful for establishing the facts of our conception, disclosures, and reduction to practice of said inventions and discoveries; and to testify as to the same in any interference or other litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 18 day of

Aug, 2000.

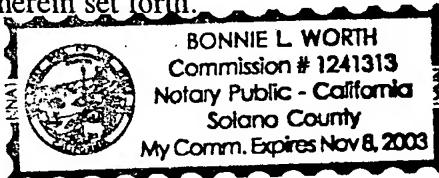
Wayne P. Fitzmaurice 8/18/00
Wayne P. Fitzmaurice

STATE OF California
COUNTY OF Solano

SS:

On this 18th day of August, 2000, before me personally appeared ^{Bonnie L. Worth Notary Public} Wayne P. Fitzmaurice, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

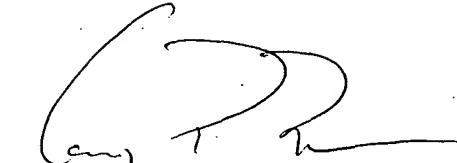
(SEAL)



Bonnie L. Worth
NOTARY PUBLIC

My Commission Expires: Nov. 8, 2003

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 31 day of
08, 2000.



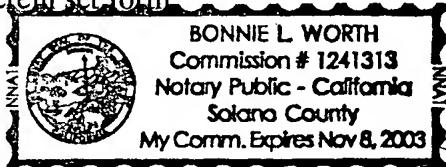
Gregory P. Pogue

STATE OF California
COUNTY OF Solano

SS:

On this 31st day of August, 2000, before me personally appeared
Gregory P. Pogue, to me known and known to me to be the individual described in and who
executed the foregoing instrument, and who duly acknowledged to me to have executed the
foregoing instrument, and who duly acknowledged to me to have executed the same for the
purpose therein set forth.

(SEAL)



Bonnie L. Worth
NOTARY PUBLIC

My Commission Expires:

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 25 day of

Aug, 2000.

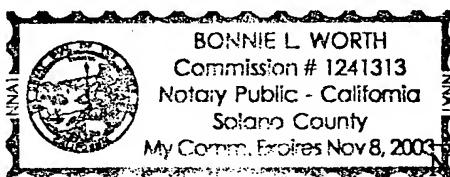
John Lindbo 8/25/00
John A. Lindbo

STATE OF California
COUNTY OF Solano

SS:

On this 25th day of August, 2000, before me, personally appeared ^{Bonnie L. Worth, Notary Public}
John A. Lindbo, to me known and known to me to be the individual described in and who
executed the foregoing instrument, and who duly acknowledged to me to have executed the
foregoing instrument, and who duly acknowledged to me to have executed the same for the
purpose therein set forth.

(SEAL)



Bonnie L. Worth
NOTARY PUBLIC

My Commission Expires:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
FITZMAURICE, et al.)
Serial No. 09/565,616) Group Art Unit: 1632
Filed: May 4, 2000) Examiner: Woitach, J.
For: **Viral Expression Vectors**)
)

COPY FROM PARENT

Commissioner for Patents
Washington, D.C. 20231

ASSOCIATE POWER OF ATTORNEY/AUTHORIZATION OF AGENT

Sir:

In accordance with 37 CFR §§ 1.34(a) and/or 1.34(b), the undersigned, Thomas Gallegos, hereby appoints:

Customer No. 22,798

Jonathan Alan Quine, Reg. No. 41,261,
Christopher Sappenfield, Reg. No. 45,073
Gary Baker, Reg. No. 41,595
Irene Pleasure, Reg. No. 45,506
Stacy Landry, Reg. No. 42,779
Tom Hunter, Reg. No. 38,498

Angela P. Horne, Reg. No. 41,079
Emily Haliday, Reg. No. 38,903
Gwynedd Warren, Reg. No. 45,200
Paul Littlepage, Reg. No. 48,581
Stephen LeBlanc, Reg. No. 36,579

David R. McGee, Reg. No. 41,454
John E. Tarca, Reg. No. 33,638
John C. Robbins, Reg. No. 34,706
Thomas Gallegos, Reg. No. 32,692

as associate attorneys/agents of record in the above-referenced patent application, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I, Thomas Gallegos, am in-house patent counsel at Large Scale Biology Corporation and am a representative of the inventors of the instant application under 37 CFR § 1.31.

Respectfully submitted,

Date: 7-24-002

By: Thomas Gallegos

Thomas Gallegos
Sr. Director, Intellectual Property
Registration No. 32,692
LARGE SCALE BIOLOGY CORPORATION
3333 Vaca Valley Parkway, Suite 1000
Vacaville, CA 95688
Telephone: (707) 446-5501